

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

PBTM LLC,

Plaintiff,

v.

FOOTBALL NORTHWEST LLC and NFL  
PROPERTIES LLC,

Defendants.

NO. 19-cv-2081RSL

**STIPULATED MOTION TO STRIKE  
SELECTED PORTIONS OF THE  
FOURTH AMENDED COMPLAINT**

## I. STIPULATION & JOINT MOTION

Plaintiff PBTM, LLC (“PBTM”) and defendants Football Northwest LLC (“Seahawks”) and NFL Properties LLC (“NFL”), through their counsel of record, stipulate to and jointly move the Court to enter an order striking certain sections of the Fourth Amended Complaint to comport with this Court’s Order Granting in Part Defendants’ Motions to Dismiss (Dkt. # 58) for the purpose of Defendants’ responses to PBTM’s Fourth Amended Complaint.

In support of this Stipulation and Joint Motion, the Parties state as follows:

1. PBTM filed its Fourth Amended Complaint on February 4, 2021 (Dkt. # 47).
2. Both the NFL and the Seahawks filed Motions to Dismiss the Fourth Amended Complaint on March 11, 2021 (Dkt. ## 48 and 49) (the “Motions to Dismiss”).
3. The Court partially granted said Motions to Dismiss on March 7, 2022 (Dkt. # 58).
4. The Court’s Order dismissed Counts 3 (breach of the duty of good faith and fair dealing), 4-7 (antitrust), 8 (trademark infringement), and 9 (rescission) (collectively “the Dismissed Counts”).
5. The Court did not dismiss Counts 1 and 2 seeking certain declaratory relief regarding PBTM’s alleged right to register trademarks before the USPTO and cancellation of certain Seahawks’ trademarks.
6. The Parties subsequently met and conferred regarding which portions of the Fourth Amended Complaint relate to the Dismissed Counts and therefore no longer require a pleading response from the NFL or Seahawks.
7. Attached as Exhibit 1 is a copy of the Fourth Amended Complaint showing agreed upon proposed deletions to the Fourth Amended Complaint that the Parties agree are related to the Dismissed Counts and thus do not need a pleading response after the Order on the Motions to Dismiss.

8. The Parties request that the Court grant this Motion, after which time both the NFL and the Seahawks can respond to the remaining allegations in the Fourth Amended Complaint. This Motion is made without prejudice to any of the Parties' rights to an appeal from the rulings granting the Motions to Dismiss or the Court's previous Order Re: Defendants' Motions to Dismiss and Plaintiff's Motion for Leave to Amend (Dkt. # 46), which remain preserved. By agreeing to this Order, the Seahawks and NFL are not admitting or conceding any of the remaining allegations.

DATED this 26<sup>th</sup> day of April, 2022.

ENDEJAN LAW LLC

FOSTER GARVEY PC

By s/Judith A. Endejan  
Judith A. Endejan, WSBA #11016  
Attorneys for Plaintiff

By s/Tim J. Filer  
Tim J. Filer, WSBA #16285  
Ben Hodges, WSBA #49301  
Attorneys for Defendant  
Football Northwest LLC  
CARNEY BADLEY SPELLMAN P.S.

By s/Anthony M. Verna, III  
Anthony M. Verna, III, *pro hac vice*  
Attorneys for Plaintiff

By s/Mark Rosencrantz  
Mark Rosencrantz, WSBA #26552  
Kenneth W. Hart, WSBA #15511  
Randolph J. Johnson, WSBA #50129  
Attorneys for Defendant NFL Properties

**II. ORDER GRANTING LEAVE AND CONTINUING DEADLINES**

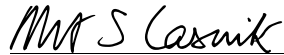
This matter having come before the Court on the stipulation and joint request of the parties, the Court being fully informed and good cause having been shown,

**IT IS HEREBY ORDERED THAT:**

1. The Motion to Strike is granted and the indicated allegations of the Fourth Amended Complaint in Dkt. # 59 are hereby stricken.

2. The Seahawks and NFL shall answer or otherwise respond to the remaining allegations in the Fourth Amended Complaint within 21 days after the entry of this Order.

Dated this 27th day of April, 2022.



Robert S. Lasnik  
United States District Judge